

EXHIBIT E

The logo for LITSON, featuring the word "LITSON" in white, uppercase, sans-serif font, followed by a small yellow dot, all on a dark blue rectangular background.

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May 28, 2024

VIA EMAIL

The Honorable Philip Kopczynski
Assistant United States Attorney
Office of the U.S. Attorney
for the Western District of Washington
700 Stewart Street, Suite 5220
Seattle, WA 98101
philip.kopczynski@usdoj.gov

**Re: *United States v. Nevin Shetty*, 2:23-CR-84-TL
Rule 16(b)(1)(C) disclosure: Richard Painter**

Dear Counsel:

Pursuant to Federal Rule of Criminal Procedure 16(b)(1)(C), the Defendant hereby provides this notice that it intends to call Richard Painter as a witness to provide testimony under Federal Rules of Evidence 702, 703, and 705. Mr. Painter's qualifications are set forth in the attached curriculum vitae, which includes all publications of his in the previous ten years and a list of all cases in which he has testified as an expert at trial or by deposition in the previous four years. Mr. Painter's opinion is provided in the attached report. While Mr. Painter's testimony depends in large part on what the government presents in its case-in-chief, the testimony summaries and opinions below are all within Mr. Painter's expertise.

The Defendant anticipates that Mr. Painter will provide testimony regarding the following, as further reflected in his attached report:

1. How corporations are structured and Fabric's corporate structure.

It is anticipated that Mr. Painter's testimony will describe the general structure of corporations, including its officers and board of directors. It is anticipated that his testimony will describe Fabric's corporate structure, including its officers and board of directors. It is anticipated that his testimony will describe Defendant Shetty's duties and responsibilities as CFO and Fabric's

board's duties and responsibilities.

The basis of his opinions and testimony will be the relevant statutes, regulations, case law, and Fabric corporate documents as well as his experience as a professor of law for almost 30 years, teaching courses including Securities Regulation, Securities Legislation, and Business Associations.

2. The liability corporate officers face for the breach of fiduciary duty.

It is anticipated that Mr. Painter's testimony will describe the general liability officers face for breach of fiduciary duty. It is likely that his testimony will describe this liability is almost exclusively civil and rarely criminal. It is likely that his testimony will describe the few instances where this liability is criminal, and why Defendant Shetty's conduct falls outside the scope of criminal liability.

As to this topic, Mr. Painter will base his opinion and testimony on the same information listed in topic 1.

3. Fabric's Investment Policy Statement and Treasury Account Agreement with HighTower.

It is anticipated that Mr. Painter's testimony will describe Fabric's Investment Policy Statement, the board's approval of that policy, and Treasury Account Agreement with HighTower. He may testify about Fabric's lack of board oversight over the investment policy and its exceptions. He may also testify about the documents introduced by the government related to Fabric's investment policy and agreement with HighTower.

In addition to the bases of opinion and testimony listed in topic 1, Mr. Painter will rely on Fabric's Investment Policy Statement and Treasury Account Agreement with HighTower.

4. Mr. Painter may testify as a rebuttal witness to the government's expert testimony about any aspect of Fabric's corporate structure, the liability officers face for breach of fiduciary duty, and Fabric's investment policy and agreement with HighTower.

As to this topic, Mr. Painter will base his opinion and testimony on the same information listed in topic 3. The Defendant will supplement a rebuttal disclosure at the appropriate time.

5. **Depending on the government's case-in-chief, Mr. Painter may testify about any irregularities in the investigation or manner of enforcement of this case as they relate to corporate law.**

As to this topic, Mr. Painter will base his opinion and testimony on the same information listed in topic 1. In addition, for this testimony, he also will rely on the testimony presented in the government's case.

The Defendant reserves the right to supplement this disclosure in accordance with the Federal Rules.

Sincerely,

/s/ J. Alex Little

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Expert Report of Richard W. Painter

Introduction and Background

I am the S. Walter Richey Professor of Corporate Law at the University of Minnesota Law School. I received a B.A. from Harvard University in 1984 and a J.D. from Yale Law School in 1987. My professional experience includes a year of clerking for Judge John T. Noonan, Jr. of the Ninth Circuit Court of Appeals, 5 years of law practice with Sullivan & Cromwell in New York City and with Finn Dixon & Herling in Stamford, Connecticut, 2 ½ years as the chief White House ethics lawyer for President George W. Bush and almost 30 years of law teaching. I teach Professional Responsibility, Securities Regulation, Securities Litigation, and Business Associations. My teaching, publishing and practice have been principally in corporate and securities law, securities litigation, lawyers' ethics, and government ethics. *See, e.g.*, BETTER BANKERS, BETTER BANKS (with Claire A. Hill) (U. Chicago Press 2015); GETTING THE GOVERNMENT AMERICA DESERVES: HOW ETHICS REFORM CAN MAKE A DIFFERENCE (Oxford U. Press 2009); PROFESSIONAL AND PERSONAL RESPONSIBILITIES OF THE LAWYER (with Judge John T. Noonan, Jr.) (Foundation Press 1997); SECOND EDITION (2001); THIRD EDITION (2011); SECURITIES LITIGATION AND ENFORCEMENT: CASES AND MATERIALS (with Donna Nagy and Margaret Sachs) (West Publishing 2003); SECOND EDITION (2007) THIRD EDITION (2011) FOURTH EDITION (2017).

I am a member of the bar of the State of New York and was formerly a member of the Professional Responsibility Committee of the Association of the Bar of the City of New York. I am a member of the American Law Institute and am the Associate Reporter for the Institute's project, The Principles of Government Ethics. I have published books and articles, provided expert testimony, and worked on law reform covering lawyers' ethics. Section 307 of the Sarbanes-Oxley Act of 2002 – requiring lawyers for public companies to report illegal acts up the ladder to client boards of directors – is based on up-the-ladder reporting proposals that I made in a 1996 law review article and in correspondence with the Securities and Exchange Commission. During the 2014–15 academic year, I was a fellow with Harvard University's Safra Center for Ethics.

I have testified ten times before the United States Congress on legislation pertaining to lawyers' ethics, government ethics, and business ethics. *See e.g.* Oral Testimony and Written Statement of Richard W. Painter Before the U.S. Senate Budget Committee, Hearing: "Democracy Distorted: Unraveling the Consequences of Fossil Fuel Dark Money in Politics", June 21, 2023.

From February 2005 to July 2007, I was the chief ethics lawyer for the President and the White House staff. At the White House, I supervised work on ethics agreements and financial disclosure statements for the President's nominees for Senate confirmed positions in the Executive Branch, I advised the President and his staff on federal conflict of interest regulations and other ethics issues, and I worked on conflict of interest and other ethics matters that arose in the selection and confirmation of Chief Justice John Roberts and Justice Samuel Alito to the Supreme Court.

Since 2015 I have been a member of the audit committee and the investment committee of the Diana Davis Spencer Foundation (DDSF), a private family foundation with assets of approximately \$1.35 billion. As a member of the investment committee, I regularly review proposed investments by the Foundation before they are made.

A copy of my curriculum vitae, including prior testimony, is attached hereto as Exhibit A. I have been retained by counsel for the Defendant to render an expert opinion in this matter.

In connection with rendering my opinion in this matter I have reviewed the record in this case as set forth in the documents listed in Exhibit B.

The Prudent Person Test and the Oversight Duty of Corporate Directors and Officers

Under the prudent person rule, a fiduciary may only make investments that a reasonable person would make under the circumstances. *Harvard College v. Amory*, 26 Mass. 446 (1830). In the case of a corporation, the corporation's business objectives, liquidity needs, and investment policies are all relevant factors in determining whether an investment meets the prudent person rule. A chief financial officer of a corporation who makes an investment that fails to meet this standard likely breaches his fiduciary duty to the corporation as do the corporate directors who fail to exercise sufficient oversight to prevent the breach from occurring.

The prudent person rule thus defines the civil liability of corporate directors and officers. The Delaware Supreme Court has observed that "directors of a corporation in managing the corporate affairs are bound to use that amount of care which ordinarily careful and prudent [persons] would use in similar circumstances." *Graham v. Allis-Chalmers Manufacturing Co.*, 41 Del. Ch. 78 (Del. 1963), 188 A.2d 125 at 130. In 2023 Delaware courts expressly extended these

oversight duties to non-director corporate officers as well as directors. *See In re McDonald's Corporate Stockholder Derivative Litigation*, 291 A.3d 652 (Del. Ch. 2023).

A claim for breach of the duty of oversight is known as a *Caremark* claim. *See In re Caremark Int'l Inc. Deriv. Litig.*, 698 A.2d 959 (Del. Ch. 1996). A corporate director's fiduciary duties require a good faith effort to ensure that:

information and reporting systems exist in the organization that are reasonably designed to provide to senior management and to the board itself timely, accurate information sufficient to allow management and the board, each within its scope, to reach informed judgments concerning both the corporation's compliance with law and its business performance.

McDonald's, *supra*, quoting *Caremark*, 698 A.2d at 970.

As the Delaware Court of Chancery explained in 2023:

In other words, the directors had a basic duty to attempt to obtain information about what was happening within the corporation. They could not opt for the more leisurely role of clam-like passive instrumentalities, awaiting whatever tidbits of information the managerial tides brought their way.

McDonald's, *supra*.

A corporate director or officer who breaches these oversight duties may face personal liability for monetary damages. These damages typically cannot be indemnified by the corporation because directors and officers are generally not entitled to indemnification unless they act in a manner that they reasonably believe to be in the best interest of the corporation. These are civil remedies, and such cases are common in Delaware Chancery Court and other jurisdictions.

Criminal charges, however, are extremely rare. Almost never are criminal penalties imposed on officers and directors in breach of duty cases absent embezzlement, kickbacks, misrepresentation in connection with the purchase or sale of securities, money laundering or other crimes. An imprudent investment, even a very imprudent investment, itself is not a crime. *See James B. Stewart, Convictions Prove Elusive in 'London Whale' Trading Case*, NEW YORK TIMES, July 16, 2015 ("Last week,

Britain’s Financial Conduct Authority took the unusual step of announcing that it was dropping its investigation and would take no further action against Bruno Iksil, whose risky bets on complex derivative contracts ended up costing JP Morgan Chase \$6.2 billion in losses.”); Hill & Painter, *BETTER BANKERS, BETTER BANKS*, supra (discussing the lack of criminal charges against virtually all of the bankers involved in the 2008 financial collapse). *See also Skilling v. United States*, 561 U.S. 358 (2010) (holding that 18 U.S.C. Section 1346, which proscribes fraudulent deprivation of “the intangible right of honest services,” is confined to cover only bribery and kickback schemes.)

The Fabric Investment Policy

Fabric’s Investment Policy, dated March 2022, sets forth a conservative investment mandate: “Funds will be invested only in fixed income instruments denominated and payable in US dollars.” The policy then lists certain approved investments, all depository accounts or highly liquid high grade debt securities. The policy provides that “The Company may employ the services of an investment manager or Registered Investment Advisor (collectively ‘Investment Manager’) to direct a portion or all of the investment activities of the Company consistent with the guidelines set forth in the investment policy.” The Policy also sets forth the duties of the “Investment Managers (if applicable)”, implying that the Company might or might not have an Investment Manager.

A fatal flaw in this Investment Policy is its provision for exceptions set forth under the heading “Policy Review Exceptions”:

This investment policy is intended to provide operational guidelines for the management of the investment portfolio Under some circumstances Investment Managers may learn of an investment transaction which falls outside of this investment policy but may present financial merits for the Company. In those circumstances a written exception to the quantitative guidelines may be approved by the Company’s Chief Operating Officer or Chief Financial Officer.

This language appears to contemplate a two-step process for approving an investment transaction which falls outside of the Investment Policy. First, the Investment Manager learns of the transaction and then the Company’s Chief Operating Officer or Chief Financial Officer provides a written exception. There is no requirement that the Investment Manager perform an independent evaluation of the transaction or present the transaction in writing to the Chief Operating Officer or

Chief Financial Officer, and there is no requirement that the Investment Manager provide any explanation of the transaction's merits and risks. The Investment Manager need only "learn" of the transaction. The decision-making apparently rests with the Chief Operating Officer or Chief Financial Officer.

The Investment Policy furthermore also does not say anything about what happens if the Company does not have an Investment Manager or what happens if the Company Chief Operating Officer or Chief Financial Officer learns of the transaction directly without the assistance of an Investment Manager. The Policy only provides that "a written exception to the quantitative guidelines may be approved by the Company's Chief Operating Officer or Chief Financial Officer."

This language could lead a Chief Operating Officer or Chief Financial Officer to believe that he could alone, without an Investment Manager, provide a "written exception to the quantitative guidelines." Indeed, if a Chief Operating Officer or Chief Financial Officer had unilaterally, without an Investment Manager, approved a transaction that deviated only slightly from the guidelines in the Policy, he probably would have been following both the intent and the express language of the Policy.

Surprisingly, the Investment Policy contains no requirement that the Board approve, or even be informed about, investments that depart from the guidelines. The Policy vests discretion, including discretion to depart from the guidelines, in the Chief Operating Officer or Chief Financial Officer with no input from the Board or a committee of the Board such as an investment committee. The Policy does not even require that the Board be notified of investments that depart from the guidelines after they are made.

Such permissive language allowing discretionary exceptions in a written investment policy is a departure from the norm in corporations and other organizations. In most instances, the board, an investment committee of the board, an audit committee or similar body approves in advance substantial investments that depart from guidelines, or at a bare minimum the board expressly mandates that it be informed of such extraordinary transactions at the time they are made. The Investment Policy for Fabric didn't do that. Such an investment policy invites a corporate officer acting alone to make exceptions, and that appears to be precisely what happened here.

Fabric's Lack of Board Oversight

A corporate board that approves an investment policy should insist that the board authorize departures from the investment policy, or at least that the board be informed about departures from that policy. A board that implements a policy without these or similar safeguards is very likely in breach of its fiduciary duty to the company. *See Caremark*, supra; *McDonald's*, supra. An investment policy that allows for exceptions, with no dollar cap, to be authorized by a single individual, without approval from the board or a designated representative of the board, is on its face deficient.

The Board's lack of oversight in this instance is even more shocking given that the Company was aware of the Defendant's incompetence as an investment officer. As set forth in the Indictment:

Soon after hiring SHETTY, Company A's board of directors developed concerns about his competency. By March 2022, with their dissatisfaction with SHETTY's performance [had] grown." Indictment Paragraph 7. By March 2022, with their dissatisfaction with SHETTY's performance having grown, Company A's chief executive officer and chief operating officer told SHETTY that he could not continue as CFO. They agreed that SHETTY would depart Company A in or around June 2022.

In these circumstances it is inexplicable that the Board would at the same time adopt an Investment Policy, dated March 2022, that provided for no Board oversight of Shetty's investments during his last three months in the employ of the Company. Indeed, I have never heard of a situation where a company's board informs an investment officer that he will be fired for poor performance yet allows him to remain in its employ for months without oversight and having sole discretion to invest millions of dollars of the company's liquid assets.

The Board's lack of oversight, and the Investment Policy's lack of internal controls are relevant to a criminal case such as this. Absent a directive from the Board that the Chief Operating Officer or Chief Financial Officer must inform the Board, or a committee of the Board, of investment decisions before or immediately after investments are made, it is difficult to argue that Shetty lied to the Board. An observer may expect that Shetty should have asked the Board before investing in HighTower, particularly an investment of this magnitude.

But there is a difference between a corporate officer falling below, even far below, the standard of care, and that corporate officer being guilty of a crime. Even in companies with far more robust investment policies than Fabric, and more robust Board oversight, criminal prosecutions are extremely rare unless embezzlement or a similar crime can be shown. *See Skilling*.

Conclusion

The Board, by approving the Investment Policy without any provision for Board oversight of the Chief Operating Officer or Chief Financial Officer, abdicated its supervisory functions. This is particularly important when the Board believed that Shetty's job performance was deficient and indeed, if they truly had intended to dismiss him.

The investment policy is poorly drafted, with its shortcomings including there being no requirement that the chief investment officer inform the board of major investments at the time those investments are made. There is no requirement of board approval for investments above a certain amount, a provision that a sensible investment policy would include. The Investment Policy appears to leave investment decisions, including departures from the policy's conservative investment guidelines, solely to the chief operating officer or chief financial investment officer.

I do not opine here on the applicability of criminal statutes, a matter for a finder of fact and law to determine. In general, however, a corporate officer's breach of duty to the corporation only rises to the level of criminality if he embezzles money or other property from the corporation, engages in securities fraud, commodities fraud, or wire fraud, or causes the corporation to violate a criminal statute. Breach of the duty of care, even reckless investment of corporate assets is generally not criminal; failure to follow a corporate policy also is not in itself criminal. Conflict of interest is not itself criminal. *See Skilling*, supra. The appropriate remedy for such conduct is almost always a suit for civil damages for breach of fiduciary duty or similar violation.

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Richard W. Painter
May 15, 2024

Richard W. Painter

**S. Walter Richey Professor of Corporate Law. University of Minnesota Law School 229
19'th Avenue South, Minneapolis, MN 55455 rpainter@umn.edu**

Education:

Yale Law School, J.D. 1987; YALE JOURNAL ON REGULATION 1984-86 (editor 1985-86); Phi Delta Phi (Chapter President 1986-87) (sponsored lectures on professional ethics)

Harvard College, B.A. *summa cum laude* in History 1984; Phi Beta Kappa 1983; honors thesis in history; John Harvard Scholarship (awarded for class rank) 1982, 1983 and 1984; Detur Prize (highest 2% of freshman class) 1981; Phillips Brooks House Committee for the Homeless 1982-84 (Chairperson 1983-84) (operated a homeless shelter in Harvard Square); H-R Students for Walter Mondale '84 (chair)

Employment:

University of Minnesota Law School, Minneapolis, Minnesota

S. Walter Richey Professor of Corporate Law since 2005 (on leave 2005-2007). Courses in Business Organizations, Securities Regulation, Securities Litigation, Professional Responsibility, Professional Responsibility of Business Lawyers, and Government Ethics. Course at Carlson School of Business in Business Ethics (fall 2008); Provost's Conflicts of Interest Review Committee (2007-14).

The White House, Washington, D.C.

Associate Counsel to the President (commissioned officer in the White House Counsel's Office) February 2005 to July 2007

Chief ethics lawyer for the President, White House staff and the President's nominees to Executive Branch agencies; head of six lawyer White House ethics office; responsible for ethics screening of Supreme Court nominees and preparation for confirmation; liaison between the White House, the Office of Government Ethics and designated ethics officers at Executive Branch agencies; ethics briefings for White House staff and ethics consultations with White House staff; top secret security clearance

University of Illinois College of Law, Champaign, Illinois

Guy Raymond and Mildred Van Voorhis Jones Professor of Law 2003-2005; Professor 1999-2005 and Associate Professor 1998-99; Visiting Assistant Professor, Fall 1996. Courses in Professional Responsibility, Business Ethics, Business Organizations, Securities Regulation, Securities Litigation, Corporate Finance, Contract Negotiation and Comparative U.S. and E.U. Corporate Law.

University of Oregon School of Law, Eugene, Oregon

Associate Professor (with tenure) 1997-98; Assistant Professor 1993-96; Co-Director, Law and Entrepreneurship Center 1994-97. Courses in Professional Responsibility, Partnerships and Corporations, Securities Regulation, Business Planning, Corporate Finance and Mergers and Acquisitions.

Finn Dixon & Herling, Stamford, Connecticut

Associate in commercial and appellate litigation, 1991-1993

On the briefs for petitioner in petition for *certiorari* and briefs on the merits in *Fort Gratiot Sanitary Landfill v. Michigan Department of Natural Resources*, 112 S. Ct. 2019 (cert. granted Jan. 1992; decided June 1992) (Michigan solid waste import restrictions unconstitutional under the Commerce Clause)

Sullivan & Cromwell, New York, New York

Associate in corporate law and commercial litigation, 1988-1991

Judge John T. Noonan, Jr.,

United States Court of Appeals for the Ninth Circuit, San Francisco, CA

law clerk, 1987-1988 (subsequent coauthor of three editions of legal ethics casebook with Judge Noonan)

Academic Affiliations, Fellowships and Visiting Professor Appointments:

University of Pennsylvania

Board of Advisors, Center for Ethics and the Rule of Law (CERL), 2020-2023. co-reporter, *Report on the Department of Justice and the Rule of Law under the Tenure of Attorney General William Barr* (October 2020); contributing author, *Report on the Closure of the Detention Facility at Guantanamo Bay* (February 2022), counsel of record in amicus brief on behalf of CERL in *Trump v. Vance*, 591 U.S. __ (2020).

Harvard University

Fellow, Safra Center for Ethics 2014-2015 (residential fellowship with \$100K salary supplement plus research expenses for a book on campaign finance reform published in 2016; Fellow, Center for European Studies (2004) (research and presentation on European corporate takeover law)

Humboldt University, Berlin, Germany

Visiting Scholar 2000-2001 (research for coauthored publications with Prof. Dr. Christian Kirchner on European corporate law)

University of Michigan Law School, Ann Arbor, Michigan

Visiting Professor, Fall 2002

Courses in Securities Regulation and Mergers and Acquisitions

University of Wisconsin Law School, Madison, Wisconsin

Warren P. Knowles Visiting Professor of Law and Government Ethics, Spring 2001 Course in Business Organizations and seminar in Ethics of Business Lawyers.

University of Bielefeld, Bielefeld, Germany

Guest Professor, Summer 1999, 2000 and 2001

Course on U.S. corporate and securities law; four-day seminars in Luxembourg on Internet law (1999), European corporate takeover law (2000), and European antitrust law (2001).

Cornell Law School, Ithaca, New York

Visiting Associate Professor, Fall 1997 and Spring 1998

Courses in Professional Responsibility and Securities Regulation, Ethical Issues in Business Transactions and directed reading in Asset Securitization

Boston University School of Law, Boston, Massachusetts

Visiting Assistant Professor, Spring 1997

Courses in Securities Regulation and Ethical Issues in Business Transactions.

Professional Activities:

American Law Institute. Member 1999 to present; Associate Reporter for *ALI Principles of Government Ethics*

Diana Davis Spencer Foundation, Bethesda, Maryland (assets \$1.4 billion): Member of the Audit Committee and the Investment Committee, advisor, 2014 to present.

International Ice Hockey Federation (IIHF), Zurich, Switzerland, member of elected five-member Ethics Board 2021 to present (hearing ethics cases involving players, coaches, teams and national hockey associations, recommendations on revisions to IIHF Ethics Code)

Citizens for Responsibility and Ethics in Washington (CREW), Vice Chair, 2016-2018. Board Member 2016-2019.

American Bar Association. Member and speaker for numerous section programs including 2012 Professional Responsibility Conference plenary panel on Watergate.

Association of American Law Schools. Section on Professional Responsibility, Section on Securities Regulation (Chair 2012-13), Section on Business Organizations, House of Representatives (2002-03).

Association of the Bar of the City of New York (1999-93. Committee on Professional Responsibility (member and co-author of two published reports); speaker for 2003 ABCNY panel on the Sarbanes-Oxley Act.

Candidate for U.S. Senate in Minnesota (2018) and candidate for U.S. House from Minnesota First Congressional District (2022).

Biographical Listings: MARQUIS WHO'S WHO IN THE WORLD (2004); MARQUIS WHO'S WHO IN AMERICA (since 2005)

Op-eds and Media Appearances: Frequent op-eds in THE NEW YORK TIMES, THE WASHINGTON POST, USA TODAY, BLOOMBERG NEWS, NEWSWEEK, THE WALL STREET JOURNAL, NBC NEWS, JUST SECURITY (BLOG), THE LOS ANGELES TIMES, THE SAN FRANCISCO CHRONICLE and other publications. Frequent appearances on CNN, MSNBC, Fox News, Real Time with Bill Maher, PBS NewsHour, BBC TV, NBC News, ABC News, CBS News, Canadian TV Network (CTV), Al Jazeera, Deutsche Welle (DW) TV, National Public Radio (NPR), Minnesota Public Radio, BBC Radio, and other radio and television outlets worldwide. Selected op-eds listed separately below. Regular MSNBC op-ed contributor since 2021.

Restatements and Principles: *ALI Principles of Government Ethics* (completed and approved by the ALI membership in May 2023) Associate Reporter (with Richard Briffault, Reporter)

Books and Articles:Books:

AMERICAN NERO: THE HISTORY OF THE DESTRUCTION OF THE RULE OF LAW IN AMERICA AND WHY

TRUMP IS THE WORST OFFENDER (with Peter Golenbock) (Ben Bela Books March 2020)

TAXATION ONLY WITH REPRESENTATION: THE CONSERVATIVE CONSCIENCE AND CAMPAIGN FINANCE REFORM (Take Back our Republic 2016)

BETTER BANKERS, BETTER BANKS: PROMOTING GOOD BUSINESS THROUGH CONTRACTUAL COMMITMENT (with Claire A. Hill) (University of Chicago Press, June 2015)

GETTING THE GOVERNMENT AMERICA DESERVES: HOW ETHICS REFORM CAN MAKE A DIFFERENCE (January 2009, Oxford University Press)

SECURITIES LITIGATION AND ENFORCEMENT: CASES AND MATERIALS (with Donna Nagy and Margaret Sachs) (West Publishing 2003); SECOND EDITION (2007); THIRD EDITION (2011); FOURTH EDITION (2017) and TEACHER'S MANUAL

PROFESSIONAL AND PERSONAL RESPONSIBILITIES OF THE LAWYER (with Judge John T. Noonan, Jr.) (Foundation Press 1997); SECOND EDITION (2001); THIRD EDITION (2011); and TEACHER'S MANUAL

Articles, Book Chapters, and Book Reviews:

SCOTUS House: Can a Supreme Court Ethics Lawyer and an Inspector General Help Get this Fraternity under Control? Georgetown Journal of Legal Ethics, Vol. Volume XXXVII (forthcoming 2023)

Deepfake 2024: Will Citizens United and Artificial Intelligence Together Destroy Representative Democracy?, Journal of National Security Law & Policy (forthcoming early 2024)

The Conservative Case for ESG, 9 University of Pennsylvania Journal of Law and Public Affairs (forthcoming 2023)

A Bipartisan Agenda for Defending Free Enterprise, Assuring Honest Government and Fighting Climate Change, book chapter in Across the Aisle: Why Bipartisanship Works for America, former U.S. Representative Jill Long Thompson, Editor, Indiana University Press (forthcoming 2023)

"You're Fired": Criminal Use of Presidential Removal Power, 25 New York University Journal of Legislation and Public Policy (2023) (with Claire Finkelstein)

Fiduciary Duties of Military Contractors: Shareholder Primacy or Loyalty to the United States, in ETHICAL DILEMMAS IN THE DEFENSE INDUSTRY (Oxford U. Press 2023) (Daniel Schoeni, Tobias Vestner, and Kevin Govern eds.)

Board Diversity: A Response to Professor Fried, 26 STANFORD JOURNAL OF LAW, BUSINESS AND FINANCE 1 (2022)

Presidential Accountability and the Rule of Law: Can the President Claim Immunity if He Shoots Someone on Fifth Avenue? 24 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 93 (2022) (with Claire Finkelstein)

Separation of Politics and State in the Aftermath of Donald Trump, 57 OHIO NORTHERN UNIVERSITY LAW REVIEW 509 (2021 endowed lecture on the Hatch Act at Ohio Northern University Law School)

A Three Step Approach to Money in Politics, in OVERCOMING TRUMPERY: HOW TO RESTORE ETHICS, THE RULE OF LAW AND DEMOCRACY (Brookings Institution, March 2022) (Norman Eisen, editor)

Restoring the Rule of Law through Department of Justice Reform, OVERCOMING TRUMPERY: HOW TO RESTORE ETHICS, THE RULE OF LAW AND DEMOCRACY (Brookings Institution, March 2022) (Norman Eisen, editor) (with Claire Finkelstein)

Interpreting and Implementing the Twenty-Fifth Amendment (with Norman Eisen), chapter in THE DANGEROUS CASE OF DONALD TRUMP: 37 PSYCHIATRISTS AND MENTAL HEALTH EXPERTS ASSESS A PRESIDENT (2019), (Bandy X. Lee, editor) (2019).

Speech: Ethics and Government Lawyering in Current Times, 47 HOFSTRA LAW REVIEW (2019)

Lawyers as Fiduciaries, chapter in THE OXFORD HANDBOOK OF FIDUCIARY LAW (Robert Sitkoff and Evan Criddle editors) (2018)

Why Limits on contributions to Super PACs should survive Citizens United, 86 FORDHAM LAW REVIEW 2299 (with Albert W. Alschuler, Norman L. Eisen and Laurence H. Tribe) (2017)

Majority Rule and the Future of Judicial Selection, WISCONSIN LAW REVIEW 263-284 (2017) (with Michael Gerhardt)

The Emoluments Clause: Its text, meaning and application to Donald J. Trump, with Norman Eisen and Laurence H. Tribe, BROOKINGS INSTITUTION GOVERNANCE STUDIES PAPER SERIES (December 2016)

Plugging Leaks and Lowering Levees in the Federal Government: Practical Solutions for Securities Trading Based on Political Intelligence (with Donna Nagy), 2014 ILLINOIS LAW REVIEW 1521 (2014)

People Who Are Not Legal and Who Are Not Alive in the Eyes of the Law, VILLANOVA LAW REVIEW, Symposium in Honor of Judge John T. Noonan, Jr. (2014)

Christian Kirchner's New Institutional Economics and Jurisdictional Competition in Regulation of Public Companies and Financial Services Firms, in Festschrift zu Ehren von Christian Kirchner: Recht im ökonomischen Kontext (Mohr Siebeck, Tuebingen, Germany 2014)

Sworn to Fun, Loyal to None: Time Inconsistent Preferences in Investment Banking, 1 VIRGINIA JOURNAL OF CRIMINAL LAW 70 (2013) (comment on Manuel A. Utset, *Corporate Actors, Corporate Crimes and Time-Inconsistent Preferences*, 1 VIRGINIA JOURNAL OF CRIMINAL LAW 1 (2013))

Selective Disclosure by Federal Officials and the Case for an FGD (Fair –er Government Disclosure) Regime, 2012 WISCONSIN LAW REVIEW 1285-1365 (2012) (with Donna Nagy)

Forum Competition and Choice of Law Competition in Securities Law After Morrison v. National Australia Bank, 97 MINNESOTA LAW REVIEW 132-205 (2012) (with Wulf Kaal)

“Extraordinary Circumstances”: The Legacy of the Gang of 14 and a Proposal for Judicial Nominations Reform, 46 UNIVERSITY OF RICHMOND LAW REVIEW 969-983 (2012) (with Michael Gerhardt)

Of the Conditional Fee as a Response to Lawyers, Bankers and Loopholes, 1 AMERICAN UNIVERSITY BUSINESS LAW REVIEW 42-57 (2011) (with Claire Hill)

Transaction Cost Engineers, Loophole Engineers or Gatekeepers: The Role of Business Lawyers after the Financial Meltdown, a chapter in RESEARCH HANDBOOK ON THE ECONOMICS OF CORPORATE LAW 255-272 (Claire Hill and Brett McDonnell editors) (Edward Elgar Pub. 2012).

The Dodd-Frank Extraterritorial Jurisdiction Provision: Was it Effective, Needed or Sufficient?, 1 HARVARD BUSINESS LAW REVIEW 195-229 (2011) (inaugural symposium volume)

The Aftermath of Morrison v. National Australia Bank and Elliott Associates v. Porsche, 1-2011 EUROPEAN COMPANY AND FINANCIAL LAW REVIEW 77-99 (2011) (with Wulf Kaal)

When Courts and Congress Don’t Say What They Mean: Initial Reactions to Morrison v. National Australia Bank and to the Extraterritorial Jurisdiction Provisions of the Dodd-Frank Act, 20 MINNESOTA JOURNAL OF INTERNATIONAL LAW 1-25 (2010) (with Douglas Dunham, and Ellen Quackenbos)

Compromised Fiduciaries: Conflicts of Interest in Government and Business, 95 MINNESOTA LAW REVIEW 1637-1691 (2011) (with Claire Hill)

The Moral Responsibility of Investment Bankers, 8 ST. THOMAS UNIVERSITY LAW REVIEW 5-28 (2011) (Fall 2010 endowed law review lecture)

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Berle’s Vision Beyond Shareholder Interests: Why Investment Bankers Should Have (Some) Personal Liability (with Claire Hill), 33 SEATTLE LAW REVIEW 1 (June 2010) (symposium on Adolf Berle)
President Obama’s Progress in Government Ethics, CONSTITUTIONAL COMMENTARY (May 2010) (symposium on conservative and libertarian perspectives on the Obama Administration)

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The New German Corporate Takeover Law: Comparison with Delaware and Recommendations for Reform, (with Christian Kirchner) 50 AMERICAN JOURNAL OF COMPARATIVE LAW 201-226 (2002)

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Professional Responsibility Rules as Implied Contract Terms, 34 GEORGIA LAW REVIEW 953-71 (Fall 1999 Symposium on Business Law)

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Second Opinions in Litigation, 84 VIRGINIA LAW REVIEW 1411-37 (1998) (co-author with Michael Klausner and Geoffrey Miller) (presented at February 1998 Olin Foundation Symposium on Law and Economics of Lawyering)

Lawyer Disclosure of Corporate Fraud: Establishing a Firm Foundation, 1996 SMU LAW REVIEW 101-157 (co-author with Jennifer E. Duggan) (Symposium on Securities Regulation) (presented at the May 1996 meeting of the American Law and Economics Association at the University of Chicago) (proposing at pages 261-63 legislative provisions resembling Section 307 of the Sarbanes-Oxley Act of 2002)

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Reports on the Legal Profession:

Report on the Department of Justice and the Rule of Law under the Tenure of Attorney General William Barr, Center for Ethics and the Rule of Law (CERL) at the University of Pennsylvania and Citizens for Responsibility and Ethics in Washington (October 12, 2020) (co-reporter with Claire O. Finkelstein) (250 pages)

Beyond Guantanamo: Restoring the Rule of Law to the Law of War - A Report Regarding the Closing of the Guantanamo Bay Detention Facility, Center for Ethics and the Rule of Law (CERL) at the University of Pennsylvania (April 2022) (contributing author) (200 pages)

Discipline of Law Firms, Report of the Committee on Professional Responsibility, 48 THE RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK 628 (1993); reprinted in LAWYER AND ACCOUNTANT LIABILITY AND RESPONSIBILITY (ALI-ABA 1993) (co-author with Karen B. Burrows) (New York in 1996 became the first state in the United States to provide for discipline of law firms when the Appellate Division adopted rules essentially identical to several of the rules suggested in this Report)

The Attorney's Duties to Report the Misconduct of Other Attorneys and to Report Fraud on a Tribunal, Report of the Committee on Professional Responsibility, 47 THE RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK 905 (1992) (co-author with Sandra E. Nickel)

Bar Admissions:

New York (admitted 1988) (active)

Connecticut (admitted 1991) (inactive)

United States Supreme Court (admitted 1992); coauthor of amicus briefs in *United States v. O'Hagan*, 521 U.S. 642 (1997) (counsel of record for amici), *Morrison v. National Australia Bank*, 561 U.S. 247 (2010) and in *Trump v. Vance*, 591 U.S. __ (2020) (counsel of record for amici).

United States District Courts for the Southern District of New York (admitted 1991). Counsel for Citizens for Responsibility and Ethics in Washington (CREW) and also Vice Chair of CREW in *CREW et al v. Donald J. Trump* (filed January 2017) (suit against the President under the emoluments clause of the constitution), dismissed 276 F. Supp. 3d 174 (S.D.N.Y. 2018), judgment vacated and remanded by the Second Circuit, 939 F.3d 131 (2d Cir. 2019).

United States District Court for the District of Connecticut (admitted 1991).

Board Memberships:

Diana Davis Spencer Foundation (charitable foundation, assets \$1.4 billion), one of two independent members of the investment committee and one of two independent members of the audit committee, since 2014.

Take Back our Republic (501c3 public policy organization dedicated to campaign finance reform), board member, 2014 to 2018 and 2019-present.

Issue One (501c3 public policy organization dedicated to campaign finance reform), advisory board member, 2016-2020.

Citizens for Responsibility and Ethics in Washington, Vice Chair, 2016 to 2018, board member 2016-19.

Campus Safety Coalition, Minneapolis, Minnesota, Board Member 2022 to present.

Invited Congressional Testimony:

Oral Testimony and *Written Statement of Richard W. Painter before the United States Senate Budget Committee*, June 21, 2023 (hearing entitled “Democracy Distorted: Unraveling the Consequences of Fossil Fuel Dark Money in Politics”)

Oral Testimony and *Written Statement of Richard W. Painter before the United States House of Representatives Committee on Oversight and Government Reform, Subcommittee on Operations*, September 14, 2020, (hearing entitled “The United States Postal Service under Postmaster Louis DeJoy”)

Oral Testimony and *Written Statement of Richard W. Painter before the United States House of Representatives Committee on Oversight and Government Reform*, March 23, 2017, (hearing entitled “Legislative Proposals for Fostering Transparency”)

Oral Testimony and *Written Statement of Richard W. Painter before the United States House of Representatives Committee on Oversight and Government Reform, Subcommittee on Economic Growth, Job Creation and Regulatory Affairs*, February 26, 2014 (hearing entitled “Is the Obama Administration Conducting a Serious Investigation of IRS Targeting?”)

Oral Testimony and *Written Statement of Richard W. Painter Before the U.S. House of Representatives Committee on Financial Services*, May 17, 2012 (hearing entitled “Examining the Settlement Practices of U.S. Financial Regulators”)

Oral Testimony and *Written Statement of Richard W. Painter Before the U.S. House of Representatives Committee on Government Oversight and Reform*, June 21, 2011 (hearing entitled “The Hatch Act: the Challenges of Separating Politics from Policy”).

Oral Testimony and *Written Statement of Richard W. Painter Before the U.S. House of Representatives Committee on Finance, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises*, February 4, 2004 (hearing entitled “The Role of Attorneys in Corporate Governance”) (testimony on rules governing professional conduct of corporate attorneys issued by the SEC pursuant to Section 307 of the Sarbanes-Oxley Act of 2002)

Oral Testimony and *Written Statement of Richard W. Painter Before the U.S. Senate Committee on Banking, Housing and Urban Affairs Subcommittee on Securities*, reprinted in *Hearing on S. 1260* (February 23, 1998) (hearing preceding the Securities Litigation Uniform Standards Act of 1998)

Oral Testimony and *Written Statement of Richard W. Painter Before the U.S. House of Representatives Committee on Commerce Subcommittee on Finance and Hazardous Materials*, reprinted in Hearings on H.R. 1689, The Securities Litigation Uniform Standards Act of 1998 (No. 105-85) at 73-84 (May 19, 1998) (hearing preceding the Securities Litigation Uniform Standards Act of 1998).

Congressional Legislation:

Section 307 of the Sarbanes-Oxley Act of 2002 (mandating SEC rules requiring lawyers to report securities law violations up-the-ladder to client boards of directors) is based on a proposal made in an April 2002 letter to SEC Chairman Harvey Pitt and earlier in *Lawyer Disclosure of Corporate Fraud: Establishing a Firm Foundation*, 1996 SMU LAW REV. 101 (Section 307 was sponsored by Senators John Edwards (D. N.C.), Mike Enzi (R. WY) and John Corzine (D. N.J.) and had strong bipartisan support).

New York Times Op-eds:

Separation of Politics and State (June 13, 2010)

<https://www.nytimes.com/2010/06/14/opinion/14painter.html>

The NRA Protection Racket (December 20, 2012)

<https://www.nytimes.com/2012/12/20/opinion/the-nra-protection-racket.html>

The Conservative Case for Campaign Finance Reform (February 3, 2016)

<https://www.nytimes.com/2016/02/03/opinion/the-conservative-case-forcampaign-finance-reform.html>

The Real Clinton Foundation Revelation (August 31, 2016)

<https://www.nytimes.com/2016/08/31/opinion/the-real-clinton-foundation-revelation.html>

The White House Rule: No Tax Returns, No Job (October 7, 2016) (with Norman Eisen)

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On Clinton Emails Did the F.B.I. Director Abuse his Power?, October 30, 2016

<https://www.nytimes.com/2016/10/30/opinion/on-clinton-emails-did-the-fbi-director-abuse-hispower.html>

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Trump's Business Empire Isn't Just an Ethical Disaster (December 1, 2016)

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The Lesson of Nordstrom: Do Business with the Trumps or Else (February 9, 2017)

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The Criminal President? (May 17, 2017) (with Norm Eisen)

<https://www.nytimes.com/2017/05/17/opinion/trump-comey-memo-obstruction-justice.html>

The Four Threats to Robert Mueller (December 21, 2017) (with Norman Eisen)

<https://www.nytimes.com/2017/12/21/opinion/robert-mueller-investigation.html>

Trump Hasn't Fired Mueller – Yet (January 26, 2018) (with Norm Eisen)

<https://www.nytimes.com/2018/01/26/opinion/donald-trump-robert-mueller.html>

Trump's Bid to Stand Above the Law, May 8, 2020 (with Claire O. Finkelstein)

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Washington Post Op-eds (partial list):

A Trump Presidency would be ethically compromised (September 20, 2016) (with Norman Eisen)

https://www.washingtonpost.com/opinions/a-trump-presidency-would-be-ethically-compromised/2016/09/20/0b01a492-7e9c-11e6-8d13-d7c704ef9fd9_story.html

In a Normal Administration Whitaker would listen to government ethics experts (December 21, 2018) (with Norman Eisen and Walter Shaub)

<https://www.washingtonpost.com/outlook/2018/12/21/normal-administration-whitaker-would-listen-government-ethics-experts/>

Trump's blind trust is neither blind nor trustworthy (November 15, 2016)

https://www.washingtonpost.com/opinions/trumps-blind-trust-is-neither-blind-nor-trustworthy/2016/11/15/6eeca1fc-aaa5-11e6-a31b-4b6397e625d0_story.html

No Trump can't pardon himself; The Constitution tells us so (July 21, 2017) (with Laurence H. Tribe and Norman Eisen)

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<https://www.washingtonpost.com/outlook/2020/03/11/biden-trump-burisma-ethics/>

Trump Loves the Rule of Law, As Long as it Targets his enemies (May 28, 2020)

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Trump had a Sweeping View of 'Executive Privilege.' Now Biden is Defending it, May 29, 2021 (with Claire Finkelstein)

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If Trump is Charged, it should be for the worst of his crimes: 'Seditious conspiracy' and 'insurrection' are more fitting charges than 'interfering with an official proceeding' or 'defrauding the U.S., August 19, 2022 (with Claire Finkelstein)

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Bloomberg News Op-eds:

2024 Election Already Signals Political Disdain for Rule of Law (with Andrew Warren) (August 2, 2023)

<https://news.bloomberglaw.com/us-law-week/2024-election-already-signals-political-disdain-for-rule-of-law>

Why Members of Congress Should not Trade Stocks (January 25, 2022)

<https://news.bloomberglaw.com/white-collar-and-criminal-law/why-members-of-congress-should-nottrade-stocks>

Ethics in the Biden White House: A Chance for a New Beginning, January 20, 2021

<https://news.bloomberglaw.com/esg/ethics-in-the-biden-white-house-a-chance-for-a-newbeginning?context=search&index=0>

It's Time for Senator and House Members to Divest Stocks in Individual Publicly Traded Companies (January 6, 2021) (with Donna Nagy)

<https://news.bloomberglaw.com/business-and-practice/its-time-for-senators-house-members-to-diveststocks-in-individual-publicly-traded-companies>

Trump's Unitary Executive Theory Meets Cyrus Vance on Fifth Avenue (July 17, 2020) (with Claire Finkelstein) <https://news.bloomberglaw.com/us-law-week/insight-trumps-unitary-executive-theory-meets-cyrusvance-on-fifth-avenue>

USA Today Op-eds (partial list):

Trump's unprecedented war on ethics (March 20, 2017) (with Norman Eisen)

<https://www.usatoday.com/story/opinion/2017/03/20/trump-unprecedented-war-on-ethics-eisen-paintercolumn/99388636/>

Let's fix electoral college: It will be easy compared to gerrymandering (October 3, 2017) (with Lawrence Lessig)

<https://www.usatoday.com/story/opinion/2017/10/13/forget-gerrymandering-lets-fix-electoral-collegelessig-painter-column/757448001/>

Stormy Daniels is just one reason Donald Trump couldn't work in his own White House (March 17, 2018) (with Norman Eisen)

<https://www.usatoday.com/story/opinion/2018/03/07/trump-couldnt-get-ethics-security-clearances-whitehouse-job-if-not-president-painter-eisen-column/399892002/>

Contempt for ethics hobbles Trump: First 100 days show how conflicts of interest lead to bad policy and major stumbles (April 26, 2017) (with Norman Eisen)

<https://www.usatoday.com/story/opinion/2017/04/26/contempt-ethics-hobbles-trump-painter-andeisen/100891776/>

William Barr's view of Russia recusal could undermine all government ethics programs (with Virginia Canter) (January 29, 2019)

<https://www.usatoday.com/story/opinion/2019/01/29/attorney-general-nominee-william-barr-wrongmueller-recusal-trump-column/2702636002/>

After Comey firing Congress must stand up to Trump (with Laurence Tribe and Norman Eisen) (May 11, 2017)

<https://www.usatoday.com/story/opinion/2017/05/11/trump-firing-comey-worse-than-breakinglaw/101526232/>

Trump's tax returns must be released before tax reform (April 15, 2017) (with Norman Eisen)

<https://www.usatoday.com/story/opinion/2017/04/15/no-tax-reform-without-trump-taxes-painter-eisencolumn/100432212/>

Trump's conflicts of interest are shockingly legal: Why isn't Congress fixing this (January 17, 2019) (with Noah Bookbinder)

<https://www.usatoday.com/story/opinion/2019/01/17/congress-donald-trump-financial-conflicts-interestillegal-column/2586149002/>

Ethics law will sideline Jared and Ivanka (April 3, 2017) (with Virginia Canter and Norman Eisen)

<https://www.usatoday.com/story/opinion/2017/04/03/ethics-laws-will-sideline-jared-kushner-ivankatrump-painter-eisen-canter-column/99955864/>

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DeSantis, Trump, and the Rule of Law (June 7, 2023) (with Norman Eisen)

<https://www.newsweek.com/desantis-trump-rule-law-opinion-1804824>

End All Russian Oil and Gas Imports, Including into Europe (March 8, 2022) (With Claire O. Finkelstein and Eric W. Orts)

<https://www.newsweek.com/end-all-russian-oil-gas-imports-including-europe-opinion-1686064>

Biden's Pick for Ambassador to Germany Pushes Quid Pro Quo to a New Level (July 12, 2021) (with John Pudner)

<https://www.newsweek.com/bidens-pick-ambassador-germany-pushes-quid-pro-quo-new-level-opinion1608407>

Trump Says a Sitting President Can't be Investigated. Will the Supreme Court Tell Him He's Wrong (May 15, 2020) (with Claire Finkelstein)

<https://www.newsweek.com/trump-says-sitting-president-cant-investigated-will-supreme-court-tell-himhes-wrong-1504211>

Trump's No-Show Attorney General Barr Must Testify to Congress – Or Resign (June 18, 2020) (with Claire Finkelstein)

<https://www.newsweek.com/trumps-no-show-attorney-general-barr-must-testify-congress-resign-opinion1511832>

The 'Friday Night Massacre' Spells the Downfall of William Barr (June 23, 2020) (with Claire Finkelstein)

<https://www.newsweek.com/friday-night-massacre-spells-downfall-william-barr-opinion-1512935>

Pompeo's Unlawful RNC Speech for Trump Should Alarm All Americans, September 2, 2020 (with Claire Finkelstein)

<https://www.newsweek.com/pompeos-unlawful-rnc-speech-trump-should-alarm-all-americans-opinion1529264>

McConnell's Rush to Confirm Barrett Ignores Crucial Questions, October 12, 2020 (with Claire Finkelstein)

<https://www.newsweek.com/mcconnells-rush-confirm-barrett-ignores-crucial-questions-principleopinion-1538145>

Trump's Philosophy of Law Avoision is Remaking the Political Right, August 5, 2020

<https://www.newsweek.com/how-trumps-philosophy-law-avovision-remaking-political-right-opinion1523113>

I was the Chief Ethics Lawyer in the Bush Administration and I believe Anthony Scaramucci, August 23, 2019

<https://www.newsweek.com/i-was-chief-ethics-lawyer-bush-administration-i-believe-anthonyscaramucci-opinion-1455972>

Minneapolis Star Tribune Op-eds:

Put Young Minnesotans First for a Change (with former Governor Arne H. Carlson)

<https://www.startribune.com/put-young-minnesotans-first-for-a-change/600241811/>

As a pro-business Republican my vote is for Clinton: For economic reasons alone, she is our best bet for next 4 years (July 25, 2016) <https://www.startribune.com/as-a-republican-businessman-my-vote-is-for-clinton/387988082/>

Leave Marriage Well Enough Alone (May 7, 2011) (argument against voter ratification of a Minnesota state constitutional amendment opposing same sex marriage)

Des Moines Register Op-ed:

Former Bush Official: Insist that Grassley do his job (April 8, 2016) (urging Senator Grassley to support confirmation hearings for Supreme Court nominee Merrick Garland)

<https://www.desmoinesregister.com/story/opinion/columnists/iowa-view/2016/04/08/insist-grassley-dohis-job-garland-nomination/82713984/>

The San Francisco Chronicle Op-ed:

Attorney General should be barred from covering up for the President's private conduct (July 29, 2020) (with Richard Raushenbush)

<https://www.sfchronicle.com/opinion/openforum/article/Attorney-general-should-be-banned-fromcovering-15440967.php>

The Los Angeles Times Op-ed:

Court nominee Liu follows the law (May 3, 2010) (urging confirmation of United States Court of Appeals nominee Goodwin Liu)

<https://www.latimes.com/archives/la-xpm-2010-may-03-la-oe-painter-20100503-story.html>

The Atlantic Op-eds:

Emoluments: Trump's Coming Ethics Trouble, January 18, 2017 (with Norman Eisen, Joshua Matz and Laurence Tribe)

<https://www.theatlantic.com/politics/archive/2017/01/trumps-ethics-train-wreck/513446/>

Trump Could be in Violation of the Constitution his First Day in Office, December 7, 2016 (with Norman Eisen)

<https://www.theatlantic.com/politics/archive/2016/12/trump-could-be-in-violation-of-the-constitution-hisfirst-day-in-office/509810/>

Politico Op-eds:

Releasing Trump's Tax Returns was the Right Decision (with Norman Eisen and Danya Perry), January 1, 2023

<https://www.politico.com/news/magazine/2023/01/01/releasing-trumps-tax-returns-was-the-right-decision-00076000>

What Trump's Tax Returns Could Tell Us About His Dealings With Russia (with Norman Eisen), October 31, 2016

<https://www.politico.com/magazine/story/2016/10/donald-trump-taxes-russia-214405>

The Case for Goodwin Liu, May 18, 2011

<https://www.politico.com/story/2011/05/the-case-for-goodwin-liu-055248>

National Review Op-ed:

Peeling Back the Layers of the Penn-Biden Center Document Scandal (with John Pudner), January 19, 2023

<https://www.nationalreview.com/2023/01/peeling-back-the-layers-of-the-penn-biden-center-document-scandal/>

National Law Journal Op-ed:

Supreme Court Justices Stock Ownership Could Pose Conflict of Interest, October 12, 2021

<https://www.law.com/nationallawjournal/2021/10/12/supreme-court-justices-stock-ownership-couldpose-conflict-of-interest/>

Slate Op-eds:

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Exhibit B – Documents Reviewed by Professor Painter

1. Indictment, Dkt. 1.
2. Motion to Suppress, Dkt. 41.
3. Fabric Investment Policy Statement, Dkt. 41-4.
4. Fabric Board Adoption of the 2022 Investment Policy Statement, Mach 2022.
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6. Bylaws of Fabric, Adopted August 20, 2020.
7. Fabric Amended Certificate of Incorporation, Executed February 23, 2022.
8. Fabric Board Meeting Minutes, February 5, 2021.
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10. Shetty Letter to Government of Canada re Global Talent Stream Program, July 29, 2021.